

Summary of Proposed Changes

Development Code Amendment (“Six-Month Update”)

Last update: 03/18/2018 03/13/2018 02/19/2018

Introduction

When the Development Code and the Zoning Map were adopted this past August, all parties knew that the documents would not be perfect. Over the past six months, Staff has identified a large number of items in need of “housekeeping” – grammar errors, minor inconsistencies and such. From discussion with the community, a few policy questions arose as well.

Staff reconvened the Zoning Advisory Committee, a group appointed by Mayor Paul, to discuss the proposed amendments to the Code on two occasions. Their valuable input was considered in the production of the drafts available today.

The items addressed in this document are those affected by policy decision. **This is still a draft, and nothing is decided until Mayor and City Council’s vote.** For the complete list of proposed changes, please see the corresponding documents posted on the website. Please share comments with staff via email at pz@sandyspringsga.gov.

Planning Commission Hearing 02/27:

Planning Commission deferred their recommendation to be conveyed to Mayor and Council to their 03/27 meeting. To see a summary of the discussion and comments presented, please see the meeting minutes:

<http://www.sandyspringsga.gov/city-services/urban-development/planning-and-zoning/planning-boards-commissions-and-community-meetings/planning-commission>

Topics covered:

- Rezoning
- Lot Coverage (corrected 03/17)
- Grading in Setbacks & Retaining Walls (updated 03/18)
- Temporary Uses
- Retail Uses in ON-3 (updated 03/13)
- Accessory Structures (updated 03/13)
- Use Permit Setback & Buffers (updated 03/13)

Rezoning

Some mistakes were made on the Zoning Map during the transition from the old to the new Code. No change to the existing developments beyond the zoning is proposed. Six areas were identified for correction:

Table 1 – Rezoning Summary

Case Number/Address	Current Zoning	Proposed Zoning	Notes
RZ18-0001 606, 610, 612, 630 Windsor Pkwy, 4795, 4085 High Point Rd.	RD-27	RD-18	The old zoning was R-3, corresponding to RD- 18 under the new Code
RZ18-0002 690 Mount Vernon Hwy.	RE-2	RM-3	Existing assisted-living facility
RZ18-0003 300 & 330 Johnson Ferry Rd.	RX-10	RM-3/8	Existing condo tower. RX-10 was removed from the list of zoning districts in the Code.
RZ18-0004 300 Carpenter Drive & 335 Hammond Dr	RX-10	RM-3/8	Existing apartments. RX-10 was removed from the list of zoning districts in the Code.
RZ18-0005 3725, 3729, 3733, 3737, Wescott Way	PM-5	RU-4	Part of the subdivision was accidentally included in the Perimeter Medical designation
RZ18-0006 4967 Roswell Rd	RE-2	CX-3	Existing building, currently used by a private school. The old zoning was C-1, corresponding to CX- under the new Code.

Existing buildings that are taller than the zoning district allows today are protected under Sec. 11.7.2. Nonconforming Structures:

For the purposes of this Section, any building legally constructed prior to the adoption of this Development Code that exceeds the zoning district height limit established in this Development Code will be considered a conforming structure, and not subject to the requirements of this nonconforming structure Section.

In addition to the rezonings, the Perimeter Center Frontages on the Zoning Map will be updated to clarify which roads are subject to Div. 5.6.

Lot Coverage (Sec. 6.1.1.H, Div 2-5) *Draft proposal for discussion, updated 03/13*

Intent of amendment: Increase the maximum lot coverage in single-unit residential districts, balance development and conservation interests

Concept and Purpose

Lot coverage is calculated as the sum of all impervious areas (those that do not allow infiltration of water), divided by the size of the lot. Lot coverage is regulated for environmental and aesthetic purposes; in particular to allow stormwater to naturally permeate the ground and to maintain the character of the neighborhood. Lot coverage has never been regulated before in Sandy Springs. Each zoning district has a maximum lot coverage, established in their respective requirements under Divisions 2 through 5.

Note that pervious materials, such as mulch and certain paver systems, are exempt from the lot coverage calculations. Porous concrete areas count as half, because they allow partial infiltration.

Nonconforming situations

Lots that are already developed are deemed legal nonconforming (aka “grandfathered”). As an example, homeowners of a property with a lot coverage of 37% where the maximum allowed is 30% could add to their house, as long as they maintained the same coverage. For instance they could remove a 300 sq.ft. concrete patio in exchange for a bedroom addition of 300 sq.ft.

Challenge

The currently allowed lot coverage maximums have posed challenges to many homeowners since the adoption of the Code. Many existing properties are already developed near the maximum lot coverage. The addition of a pool or a detached garage is then not possible. This issue has been encountered mostly in RE-1, RD-27 and RD-18 lots.

Proposal

Staff proposes to increase the maximum lot coverages in residential zoning districts. Those new maximums are in keeping with those in surrounding cities – Dunwoody, Brookhaven, Atlanta and Roswell. Additional coverage could be allowed in exchange for mitigation measures like increased infiltration and addition to the tree canopy. [At Planning Commission on 02/27, staff proposed another option as shown on the next page. Feedback received so far from residents and developers has been mostly positive. These proposed numbers are included in Div. 2 and 3 of the Code.](#)

The lot coverage in Urban Neighborhood districts, RU- and RT-, is currently not regulated; staff proposes to set a maximum of 80%.

[Lots that do not meet the current minimum size for their zoning districts will have a lot coverage individually calculated that will take into account the maximum lot coverage of the actual zoning district and the maximum of the zoning district one size smaller. Taking the total area of the lot, the minimum square footage of the next smaller zoning district will be accounted for the coverage allowed in that particular district. The remainder of the lot will receive the maximum lot coverage allowed in its own district. As an example, the lot coverage of a lot in RE-2 that is 1.4a in size \(instead of 2](#)

acres) will be calculated at 1 acre at 25% (the proposed RE-1 maximum coverage) and 0.4 acre at 20% (the proposed RE-2 maximum coverage). In this example, the maximum lot coverage would be 14,374.8 sq.ft.

$$(1 \times 43,560 \times 0.25) + (0.4 \times 43,560 \times 0.20) = 14,374.8$$

Table 2 – Lot Coverage in % *(as presented to Planning Commission 02/27)*

District	Existing Maximum Lot Coverage	Proposed Maximum Lot Coverage	Proposed Max Lot Coverage with Mitigation
RE-2	15%	15% 20%	18% 25%
RE-1	20%	23% 25%	25% 30%
RD-27	25%	30%	32% 35%
RD-18	30%	35%	38% 40%
RD-15	35%	38%	40% 43%
RD-12	35%	38%	40% 43%
RD-9	40%	42%	42% 47%
RD-7.5	45%	47%	47% 52%
RU-4	N/A	80%	80%
RU-3	N/A	80%	80%
RT	N/A	80%	80%

Using the minimum lot size for each district, this is how it translates in land areas:

Table 3 – Examples of Lot Coverage *(as presented to Planning Commission 02/27)*

District	Lot size	Existing Maximum Lot Coverage (sq.ft.)	Proposed Maximum Lot Coverage (sq.ft.)	Proposed Maximum Lot Coverage with Mitigation (sq.ft.)
RE-2	87,120	13,068	13,068 17,424	15,682 21,780
RE-1	43,560	8,712	10,019 10,890	10,890 13,068
RD-27	27,000	6,750	8,100	8,640 9,450
RD-18	18,000	5,400	6,300	6,840 7,200
RD-15	15,000	5,250	5,700	6,000 6,450
RD-12	12,000	4,200	4,560	4,800 5,160
RD-9	9,000	3,600	3,780	3,780 4,230
RD-7.5	7,500	3,375	3,525	3,525 3,900
RU-4	4,000	N/A	3,200	3,200
RU-3	3,000	N/A	2,400	2,400
RT	1,800	N/A	1,440	1,440

Mitigation Standards

Additional lot coverage (beyond what would be allowed by right) would be allowed only if the following standard is met:

- Infiltration of the additional lot coverage area must be provided for the first 2.4" of rainfall in 24h.

A developer commented this mitigation would be costly.

Grading in Setbacks (Sec. 9.4.2.G) *Draft proposal for discussion, updated 03/18*

Intent of amendment: Allow for some grading in required side and rear setbacks in residential districts, balance development and conservation interests.

Concept and Purpose

Cut and fill is currently not allowed in required side and rear setbacks on lots in Protected Neighborhood districts (RE- and RD-) and on lots in Urban Neighborhood districts (RU-, RT-, RM- and RX-) that are adjacent to Protected Neighborhood properties.

This measure was adopted in response to a concern that trees are being removed for grading, mostly when an existing home is replaced by a larger one. The clearing of a lot not only can result in a reduced canopy, it can also alter the character of the neighborhood.

Challenge

This restriction is particularly difficult to meet when additions are proposed on existing homes. For instance, a house located close to the rear setback line may not be able to add a leveled patio.

Proposal – Item #9-39

Staff proposes to allow some grading in the building setbacks, based on the minimum dimensional requirements of each zoning district, which are summarized below for reference.

Feedback on the proposal presented at Planning Commission (explained hereafter) has been mostly positive from residents and developers alike, although some residents request that no land disturbance at all be allowed in rear setbacks.

Lots that are narrower than the current minimum widths are particularly impacted by the grading restrictions in the side building setbacks. Staff recommends applying the grading regulations of the zoning district closest to the actual width of the lot, in the side setbacks only. As an example, a lot with a width of 125' zoned RE-1 (where the minimum lot width is 150'), the grading regulations in the sides of RD-27 would apply – grading would be allowed in the building setbacks with mitigation. In the case of nonconforming RE-2 lots, grading would be allowed with mitigation up to 15' from side common lot lines, which is the side building setback in RE-1. The dimensions of side building setbacks themselves would not change.

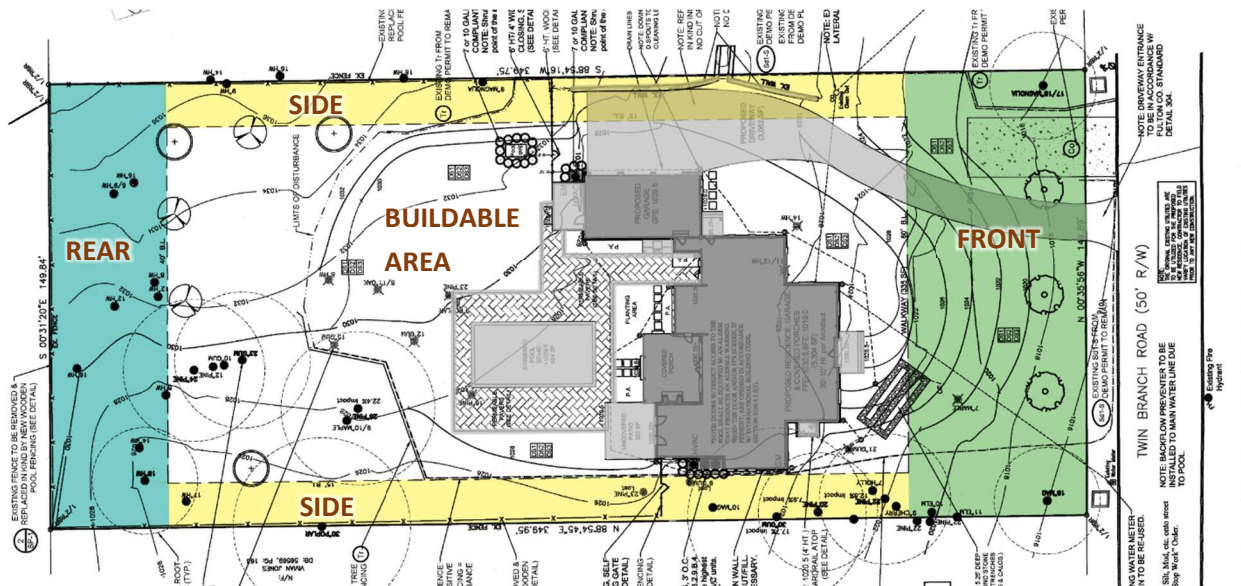
These proposed numbers are included in Div. 2 and 3 of the Code.

Table 4 – Existing Dimensional Standards

District	Lot Area Min.	Lot Width Min. (Feet)	Lot Coverage Max. (%)	Minimum Setbacks (Feet)			
				Primary Street	Side Street	Side: Common Lot Line	Rear: Common Lot Line
RE-2	2 ac	200	15	60	40	25	50
RE-1	1 ac	150	20	60	30	15	40
RD-27	27,000 sf	120	25	60	30	15	40
RD-18	18,000 sf	100	30	50	20	10	35
RD-15	15,000 sf	90	35	Avg.	20	10	35
RD-12	12,000 sf	85	35	35	20	7	25
RD-9	9,000 sf	70	40	35	20	7	25
RD-7.5	7,500 sf	60	45	20	15	5	20

The illustration below highlights the location of each area defined by the required setback lines. Note that many houses are not built exactly on the setback lines, but further inside the buildable area.

Figure 5 – Setbacks Illustration



Because side setbacks are narrower than rear setbacks and because it is often necessary to encroach into the side setbacks to access the back of the property, Staff recommends allowing grading in side setbacks, in exchange for tree planting.

Rear setbacks are deeper and are easier to protect since most development occurs closer to the front of properties. Staff proposes the creation of “grading lines” to express the allowed encroachment of grading into the rear building setbacks. Because building setbacks are calculated from the property line towards the interior of the lot, staff proposes instead the creation of grading setbacks and retaining wall setbacks.

Mitigation standards

Grading in the side building setbacks of lots zoned RE-2, RD-27 and smaller would be allowed only if the following standards are met:

- For each tree of 10” of DBH or greater removed or damaged by grading in the side setback, one tree must be planted;
- If no tree of 10” DBH or greater is removed or damaged, at least one replacement tree must be planted for every 1,000 sq.ft. of area disturbed in the side setback;
- Replacement trees must be of comparable canopy size at maturity as the trees removed or damaged;
- Replacement trees must be at least 2” caliper at time of planting;
- Planting must take place in the graded area. If this is not possible, the replacement trees may be located elsewhere on the property. If this is not possible, recompense provisions (Sec. 9.3.8) of the Tree Ordinance apply;
- This mitigation is required in addition to any other provisions of the Tree Ordinance, including those that apply to Setback Trees (Sec. 9.3.5).

Table 6 – Grading in Setbacks *(Outdated - See the combined table below)*

Zoning Districts	Existing grading allowed		Proposed grading allowed (calculated from the required setback line towards the property line)	
	Side Setback	Rear Setback	Side Setback	Rear “Grading Line”
RE-2	None	None	None	30’
RE-1	None	None	None	20’
RD-27	None	None	Allowed with mitigation	25’
RD-18	None	None	Allowed with mitigation	20’
RD-15	None	None	Allowed with mitigation	20’
RD-12	None	None	Allowed with mitigation	15’
RD-9	None	None	Allowed with mitigation	15’
RD-7.5	None	None	Allowed with mitigation	10’

Another way to look at this proposal is from the perspective of the area of land that *cannot* be graded, from the common property lines. In RE-2 and RE-1, no grading is allowed within 20’ of the rear property line, while in RD-27, 18 and 15, it is 15’, and in RD-12, 9 and 7.5, it is 10’.

Because all nonresidential lots adjacent to a Protected Neighborhood district are subject to Neighborhood Transition Buffers (Sec. 8.2.6) and the height limitation of retaining walls (Sec. 9.4.3, also see below), grading is already limited in setbacks.

Retaining Walls (Sec. 9.4.3) *Draft proposal for discussion updated 03/18*

Intent of amendment: Harmonize the retaining wall regulations with the grading regulations

Proposal – Item #9-44

Retaining walls at this time are prohibited inside the required building setbacks in RE-, RD- and RU- districts.

Staff suggests that in rear yards, retaining walls could be located in the required setback as far as grading is allowed. In RD- side yards, retaining walls could encroach up to half the depth of the required setback. Since required side setbacks in RU- are only 5', staff recommends the use of the house foundation walls as retaining walls.

In the case of nonconforming RE-2 lots, retaining walls up to 15' from side common lot lines, which is the side building setback in RE-1.

Table 7 – Retaining Walls in Building Setbacks *(Outdated - See the combined table below)*

Zoning Districts	Existing location where retaining walls allowed		Proposed allowed encroachment of retaining walls (calculated from the required setback line towards the property line)	
	Side	Rear	Side	Rear
RE-2	None	None	None	30'
RE-1	None	None	None	20'
RD-27	None	None	7.5'	25'
RD-18	None	None	5'	10'
RD-15	None	None	5'	10'
RD-12	None	None	3.5'	15'
RD-9	None	None	3.5'	15'
RD-7.5	None	None	2.5'	10'
RU-4	None	None	None	10'
RU-3	None	None	None	10'

Combined Table 6 & 7 – Grading and Retaining Walls in Building Setbacks
(as presented to Planning Commission 02/27)

Zoning Districts	Grading in Side Building Setback	Side Retaining Wall Setback	Rear Grading and Retaining Wall Setback
RE-2	None	N/A	20'
RE-1	None	N/A	20'
RD-27	Allowed with mitigation	7.5'	15'
RD-18	Allowed with mitigation	5'	15'
RD-15	Allowed with mitigation	5'	15'
RD-12	Allowed with mitigation	3.5'	10'
RD-9	Allowed with mitigation	3.5'	10'
RD-7.5	Allowed with mitigation	2.5'	10'
RU-4	Allowed with mitigation	N/A	10'
RU-3	Allowed with mitigation	N/A	10'

In RE- and RU- districts, no retaining wall is allowed to encroach into the side building setbacks.

Many developers believe that the height limits on retaining walls in residential districts are too restrictive. Staff recommends allowing wing walls (retaining walls that allow daylighting of a basement) to be as tall as 12', if they are inward facing, and finished with durable materials (stucco, brick or stone). If they were to encroach into the building setbacks, the wing walls would have to be a maximum of 6' in height and meet the retaining wall setback requirement as shown in the table above. This proposal would amend Sec. 9.4.3.D.

Example of wing walls:



Image source: hsbr.homescouting.com

Temporary Uses (Div. 7.9, Sec. 11.5.5) *Draft proposal for discussion*

Intent of amendment: Introduce mobile services, re-introduce seasonal sales

Concept and Purpose

Temporary uses is a category of land uses that can include a vast array of land uses expected to remain in a same location for a finite period of time. Seasonal sales of Christmas trees and pumpkin patches were regulated under the old Zoning Code. They are now prohibited under the new Code, as uses not explicitly listed in Division 7.9 are not permitted. Additionally, mobile services are becoming a more common type of service, such as mobile veterinarian clinics. Those are not addressed under the current Development Code either. Note that food trucks are allowed under separate regulations - see Mobile Food Units under Ch. 26 of the City Code.

Proposal – Items #7-146 (Sec. 7.9.10), #1-147 (Sec. 7.9.11)

Seasonal sales:

- Temporary uses must obtain a business license from the City before operating.
- Allowed in non-residential zoning districts and in residential districts with non-residential uses only.
- A temporary use conducted in a parking lot or structure cannot occupy more than 10 percent of the required parking spaces (see Div. 8.1) cannot impede interior circulation, and cannot impede access from the street.
- Applicants must provide written approval from the property owner to conduct the temporary use.
- The duration of the use will be determined by the Director, based on the information provided by the applicant, up to a maximum of 30 consecutive days.
- A same location cannot accommodate temporary uses more than twice per year (either a same use twice, or two different uses once each). Only one temporary use at a time is allowed.
- Within 5 days of the expiration date, all materials, products and debris related to the operation of the temporary use must be removed from the site.
- Other conditions may be imposed by the Director as necessary to ensure land use compatibility and to minimize negative impacts on nearby uses. These include, but are not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary uses.

Mobile services:

A service provided out of a motor vehicle or attached trailer that has the ability to move from one location to another, such as mobile veterinary clinic.

- The motor vehicle or trailer must be parked on private property and cannot occupy more than 10 percent of the required parking spaces (see Div. 8.1), cannot impede interior circulation, and cannot impede access from the street.
- The motor vehicle or trailer cannot remain on a same lot for more than 7 total days over a period of 3 months.
- A same lot cannot accommodate more than 2 mobile service vehicles or trailers at once.
- Allowed in non-residential zoning districts and in residential districts with non-residential uses only.

Retail Uses in ON-3 (Sec. 7.5.15.B) *Draft proposal for discussion, updated 03/13*

Intent of amendment: Allow limited retail uses in the Office Neighborhood zoning district.

Concept and Purpose

Retail uses are currently prohibited on properties zoned Office Neighborhood, all of which are located along Roswell Road south of Glenridge Drive – see Figure 8. This was a direct result of a request from the residents of the City. The business community has since requested to revisit this decision.

The Office Neighborhood district was created to implement the Neighborhood Village character area. The Next Ten describes this character area as a “walkable, village like character with a mix of uses arranged in either small-scale vertical mixed-use or single-story shopfronts” (p.112). The re-introduction of certain retail uses in the ON- district could be conducive to achieving the vision stated above.

For those familiar with this small-scale chain, Savi Urban Market is the type of store envisioned as boutique retail in Sandy Springs (www.saviprovisions.com).

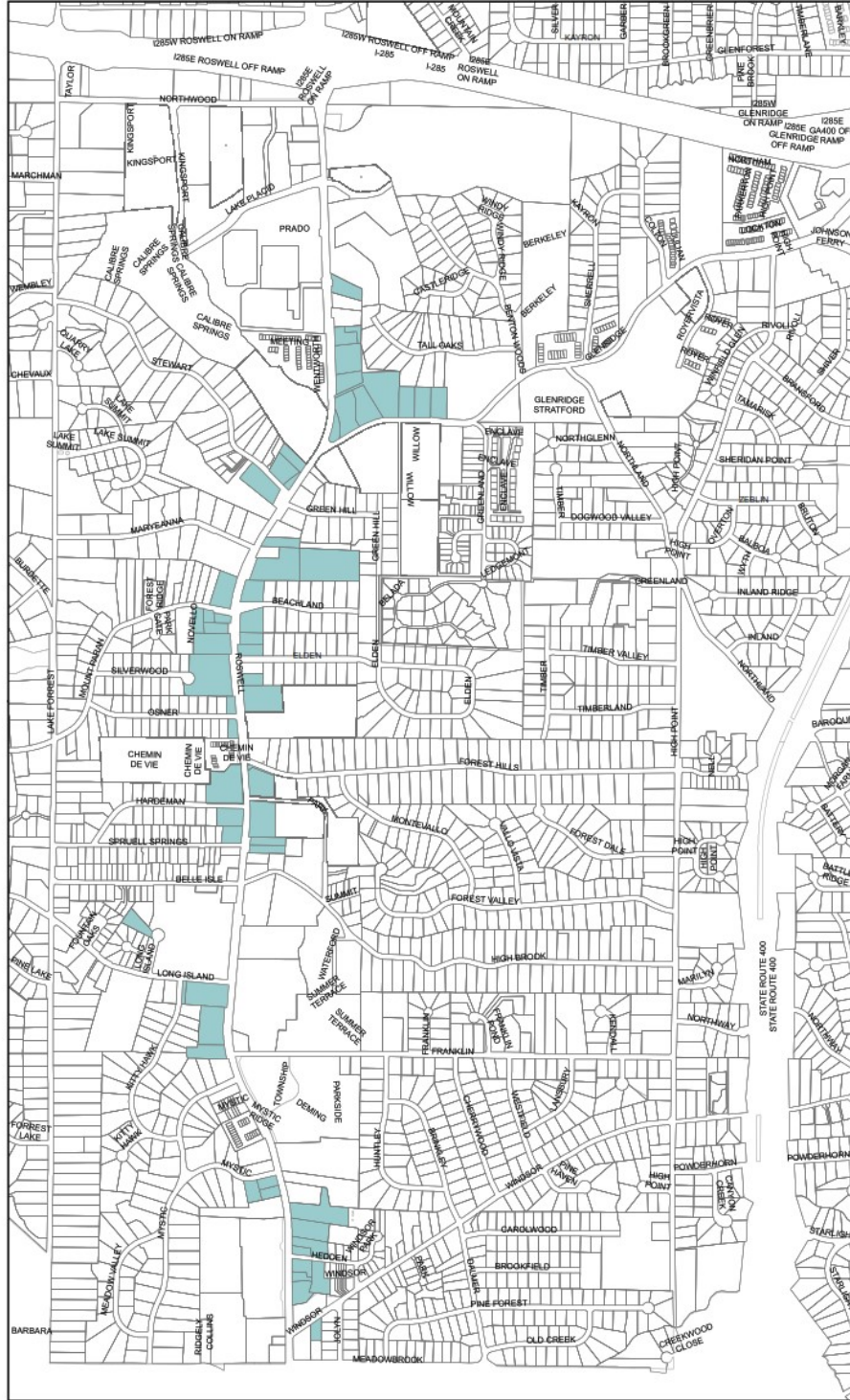
Proposal – Item #7-111

Boutique retail: Retail limited to specialty food stores (such as bakery, butcher, and fruit store), gift stores and florists.

- Maximum gross floor area is 2,500 sf.
- Maximum outdoor sales area is 500 sf and must be located adjacent to the building but cannot block any window, door or sidewalk.

Several residents living in the area surrounding Roswell Rd on the south end of the City have expressed opposition to allowing any type of retail in ON-.

Figure 8 – Properties Zoned ON-3



Accessory Structures (Sec. 7.8.22) *Draft proposal for discussion, updated 03/13*

Intent of amendment: Simplify the regulation of accessory structures in residential zoning districts.

Concept and Purpose

The location of most accessory structures is acceptable where the main house would not be. To this effect, accessory structure regulations should allow for some encroachment into the setbacks. Likewise, certain accessory structures such as garden sheds should be restricted to the backyard, but would not be appropriate in the front.

The current regulations are summarized in a lengthy table that proved to be difficult to manage. The list of structures is long but incomplete.

Proposal – Item #7-143

Staff suggests the creation of two broad categories: minor and major residential accessory structures, based on type of construction, height and square footage.

A. Residential accessory structures, minor

Improvements typically associated with single-family residential uses that are not predominately intended for the shelter of humans or goods. Typically, minor residential accessory structures are smaller in size than major residential accessory structures, and are unenclosed on three or more sides. Examples include:

- Pergola, trellis, gazebo
- Outdoor fire place, fire pit
- Play structure
- Sport court
- Outdoor kitchen
- Tree house (unconditioned)
- Carport, detached
- Swimming pool

a. No minor residential accessory structures may be located between the main building and a primary street.

b. Minor residential accessory structures may be located between the main building and an interior side, side street, or rear lot line. Minor residential accessory structures must be a minimum of 10 feet or the required setback, from any property line, whichever is most restrictive.

c. A minor residential accessory structure may not exceed 24 feet in height. If located within the required building setbacks, a minor residential accessory structure may not exceed 15 feet in height.

d. All swimming pools must be completely surrounded by an enclosure that meets the requirements of the International Swimming Pool and Spa Code as well as the requirements in Sec. 8.2.10. The enclosure must be in place prior to pool completion. Materials and construction must comply with the regulations administered by the Fulton County Health Department.

B. Residential accessory structures major

Improvements typically associated with single-family residential uses that are predominately intended for the shelter of humans or goods. Typically, major residential accessory structures are enclosed on two or more sides. Examples include:

- Cabana, pool house
- Garage, detached
- Shed

a. No major residential accessory structures may be located between the main building and a primary street.

b. Major residential accessory structures may be located between the main building and an interior side, side street, or rear lot line.

c. Major residential accessory structures shall comply with applicable building setbacks if their foot print exceeds 500 square feet. Major residential accessory structures with a footprint of less than 500 square feet must be a minimum of 10 feet or the required setback, from any property line, whichever is most restrictive.

d. A major residential accessory structure may not exceed 24 feet in height. If located within the required building setbacks, a major residential accessory structure may not exceed 15 feet in height.

e. Guest houses are regulated under Sec. 7.8.6.

There are no additional changes proposed as of 03/13, however staff prepared the table below for clarification. Some residents concerned with the 500 sq.ft. footprint size threshold recommended revising it to a smaller area.

Table – Allowed Location of Accessory Structures in Protected Neighborhoods

Old Code	Current Code	Proposed Code
Accessory site features (AC units, generators, etc.): Within buildable area & screened	Mechanical equipment: Within buildable area & screened	Mechanical equipment: Within buildable area & screened
Accessory structures: Within buildable area	Accessory structures: 17 separate categories with unique requirements & placements. Some allowed on the property line, while others must be set back 10 feet from the property line	Major accessory structures (garages, pool houses, etc.): At least 10 feet from the property line if below 15 feet height; within buildable area if between 15 and 24 feet in height or larger than 500 sq.ft.
Outdoor play equipment: At least 10 feet from property line, up to 15 feet height		
Swimming pools & pool decks: At least 10 feet from property line	Swimming pools & pool decks: at least 10 feet from property line	Minor accessory structures (swimming pools, pergolas, sport courts, etc.): At least 10 feet from the property line if below 15 feet height; within buildable area if between 15 and 24 feet in height.
Porches, decks, patios attached to the house: May encroach 10 feet into front or rear setback	Porches, decks, patios attached to the house: May encroach into side or rear setback up to 5 feet from property line	Porches, decks, patios attached to the house: May encroach into side or rear setback up to 5 feet from property line
Patios, paving, detached decks (non-structures): Anywhere on the property	Patios, paving, detached decks (non-structures): Anywhere on the property	Patios, paving, detached decks (non-structures): Anywhere on the property

Use Permits Setbacks & Buffers (Article 7) *Draft proposal for discussion, updated 03/13*

Intent of amendment: Simplify the standards for uses allowed with conditional permits.

Concept and Purpose

Conditional use permits are granted by Mayor and Council for uses that may cause negative impacts to their surroundings, if they are not properly regulated. Around 20 uses are subject to this review process in Sandy Springs – see Appendix A with the proposed Table of Uses.

Each conditional use can be approved only if it meets a series of use standards, that control how the use can be established and operate. These regulations were adopted over time, without a comprehensive approach, since the days of unincorporated Fulton County.

Proposal

Staff suggests using the Protected Neighborhood Transition buffers (see Div. 6.4) instead of setbacks of various widths. Setbacks can result in large expanses of land without any visual screening, while buffers ensure a minimum of privacy for adjacent owners. Additionally, the civic use gains usable land on its own property.

Table 9 – Setbacks and Buffers for Specific Uses

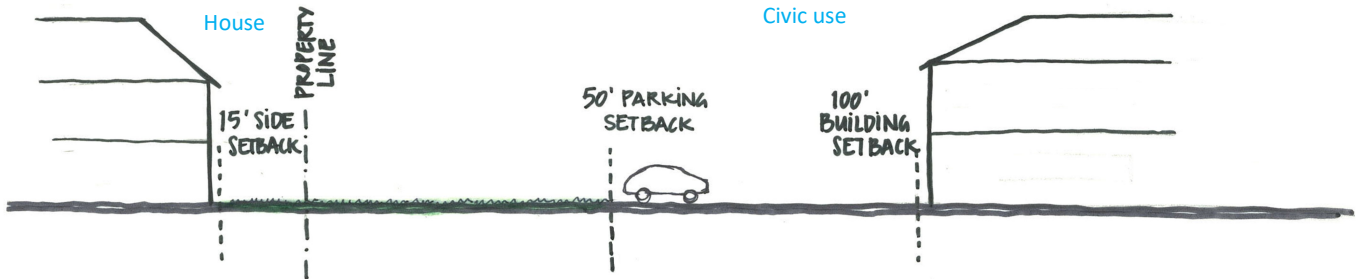
Use	Current Code	Proposed
Place of Worship (Sec. 7.4.1.F; Item #7-82)	No building, use area or structure within 100' of a PN district; No parking area within 50' of a PN district	Protected Neighborhood Transition buffers against Protected Neighborhood districts
School, Private (K-12) (Sec. 7.4.1.H; Item #7-84)	No building, refuse area or active recreation area within 100' of a PN district; No parking area within 50' of a PN district	Protected Neighborhood Transition buffers against Protected Neighborhood districts
Cemetery/Mausoleum (Sec. 7.4.2.B; Item #7-86)	No building within 50' of a PN district	<i>Regular district setbacks apply</i>
Subdivision Amenity (Sec. 7.4.2.G; Item #7-90) <i>Note: Can be built by right, and does not require a conditional use permit</i>	No accessory structures or fencing within 100' of any residential building	Protected Neighborhood Transition buffers against Protected Neighborhood districts

Many residents are in opposition to the use of Protected Neighborhood Transition buffers instead of the setbacks currently in effect.

To facilitate the comparison between the two approaches, see the illustrations on the next page.

Figure – Comparison of Setbacks and Protected Neighborhood Transition Buffers
Applied to Civic Uses Adjacent to Protected Neighborhoods
(example of a civic use on a lot less than 200' in depth)

Old and Current Code



Proposed Code

